

amount of, or liability for, a claim should not be disadvantaged by the stigma and expense of an involuntary bankruptcy proceeding. Put simply, the bankruptcy courts in this nation should now uniformly hold that any claim that is subject to a dispute or litigation, or if it is contested, whether as to the amount of the claim, or as to liability for the claim, that claim cannot be used to commence an involuntary bankruptcy case. This is the bright line that Congress intended to create in 1984 because involuntary bankruptcy carries with it, not only a responsibility, but the burden on behalf of petitioning creditors to be accurate and certain that their provable claims are qualified by being without dispute as to either liability or amount before commencing an involuntary bankruptcy case. The consequence of bad faith or even sloppy work here is more disastrous than in garden-variety litigation or through the voluntary use of the bankruptcy laws.

It is incomprehensible that an involuntary bankruptcy petition could be based on claims that are inaccurate as to either liability or amount; the injustice that would result from such a filing is so manifest. Despite this manifest injustice of national significance, judges continue to condone the filing of involuntary petitions brought by creditors using disputed claims. For this reason, section 1234 was made a necessary part of this legislation.

There has never been a vote recorded in opposition to this provision because it clearly expresses the unanimous will of Congress; it is the furthest thing from the mind of any Congressman that an involuntary case could be brought on the basis of claims that are disputed. To the contrary, as expressed by this legislation, it has been the will of Congress since 1984 that any claim used to commence an involuntary case must be without dispute.

The bankruptcy courts should not be enjoyed by involuntary petitioning creditors who cannot then prove up claims as to liability or amount. That party should stand in the most accountable legal position. This clarification is necessary because the intent of Congress has been blurred by judicial decisions that go so far as to split disputed claims into "disputed" and "undisputed" parts, or to describe disputes as "potential disputes." These decisions are wrong and the damage they have caused to the victims of involuntary bankruptcy cases brought using such claims is incalculable. The remedy for such victims rests on an expansive reading of Section 303(i).

Finally, it is the intent of Congress, as expressed through the unique retroactive application of Section 1234, to require the dismissal of any involuntary petition brought by using disputed claims, including any bankruptcy cases that are pending as a result of the misapplication of Section 303.

CHINA'S "ANTI-SECESSION LAW"

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 2005

Mr. FEENEY. Mr. Speaker, on December 29 of last year, the Standing Committee of the Chinese National People's Congress took a highly provocative action when it voted to submit an "Anti-Secession Law" to the full Congress which convenes on March 5.

The text of this proposed law was not made public, but there can be absolutely no doubt about its intent. It is intended to create in China's national law the legal justification for a military attack against Taiwan.

The law would spell out a range of activities which, if taken by the Taiwanese people and their democratically elected leaders, would legally constitute secession. Many of these activities, such as Constitutional reform and popular referenda, are the mainstay of any democracy. Yet the Chinese would use them as a legal excuse for a military attack.

We all know that Taiwan is caught in a very different bind. On the one hand it is a flourishing democracy, one of the most vibrant in Asia, with unfettered freedoms of speech, the press and assembly and intensely competitive free political parties.

On the other hand it is claimed as sovereign territory by its gargantuan neighbor, the very antithesis of a free and open democratic society! And this neighbor regularly threatens to annex Taiwan by force.

The United States, under the terms of the Taiwan Relations Act, which is the legal bedrock of our policy, insists that the future of Taiwan be determined by peaceful means. And we have demanded that no actions be taken by either Taiwan or the People's Republic of China, that endanger the tenuous peace and stability that now exists across the Taiwan Strait.

Mr. Speaker, we call this situation, difficult as it is, the status quo. We have had, on occasion, to caution Taiwan about actions which might appear to challenge this status quo.

Now the PRC, through belligerent and dangerous legislation, would substantially change the so-called status quo.

There is still time for China to alter its course. It has seemed to change its normally shrill tone toward Taiwan in recent weeks. I urge the Chinese leadership to put this legislation aside, leave the status quo intact and open itself, instead, to meaningful dialogue and negotiations with the leaders of Taiwan.

HONORING THE LIFE AND ACHIEVEMENTS OF HIS HOLINESS POPE JOHN PAUL II AND EXPRESSING PROFOUND SORROW ON HIS DEATH

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. SENSENBRENNER. Mr. Speaker, I was honored to support H. Res. 190, a resolution passed April 6 that commended the life and achievements of His Holiness Pope John Paul II. Likewise, I am proud to say I was the lead sponsor of legislation that was passed by the House and Senate in 2003, House Concurrent Resolution 313, that urged President Bush to present the Presidential Medal of Freedom to the Pope. Thankfully, President Bush did just that in June of last year.

In a time when many leaders look to the polls and test political winds for guidance, Pope John Paul II stood unflinching at the center of the most controversial moral debates of our time, and held firm, always supporting the sanctity and dignity of every human life.

His presence will be sorely missed, but his accomplishments will long be relished.

Mr. Speaker, as a reminder of the Pope's enduring and historic contributions to world peace, human freedom and to the security and national interests of the United States, I request that the following remarks that I delivered on the House floor on November 18, 2003 be printed in the RECORD.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentlewoman from Florida. I rise to pay tribute to His Holiness, Pope John Paul II, who in October marked his 25th year as Bishop of Rome and Supreme Pastor of the Catholic Church.

I also wish to offer my sincere appreciation to all my friends and colleagues in the House who have joined together to urge the President to present the Medal of Freedom to Pope John Paul II.

The celebration of the Silver Jubilee of Pope John Paul II's pontificate is but the latest in a series of remarkable milestones that have characterized his life and his ministry.

From his birth on May 18, 1920, Karol Jozef Wojtyla's life has been intertwined with the fate of his native Poland and synonymous with the struggle for his individual freedom and dignity.

In 1978 when then-Cardinal Wojtyla, the Archbishop of Krakow, was elected Pope, the world was a much different place. For the more than 3 decades since Winston Churchill delivered his famous "Iron Curtain" speech, people around the world prepared for what many regarded as the inevitable new war that would someday engulf the East and the West. To win the Cold War, geopolitical strategists honed and implemented various policies including the doctrines of containment and mutual-assured destruction.

At this pivotal moment in history, when the status quo included the subjugation of half the populations of Europe and the omnipresent threat of nuclear annihilation, a remarkable and energetic new Pope set foot on the world stage. To many in the West, this new Polish Pope was an unknown entity. While we recognized immediately his energy, courage and leadership, these same qualities were reviewed with suspicion by some in the East, particularly the communist rulers in Poland.

Pope John Paul II's commitment to freedom, his affection for his native Poland, and the devotion of his countrymen to him were never more evident than the summer of 1980. That August, the Solidarity Workers Union, which Cardinal Wojtyla had nurtured and protected, organized a peaceful strike at the Lenin Shipyard in Gdansk.

With the Pope's portrait suddenly appearing everywhere and the admonition from his inaugural sermon, "Do not be afraid," on the lips of the workers, his support and reassurance provided vital sustenance for the strikers and ignited a spiritual spark in their struggle to secure dignity and freedom. Ultimately, that spark would lead to the demise of Soviet communism and the liberation of hundreds of millions in Eastern and Central Europe.

History has recorded the remarkable achievement of Pope John Paul II and his relentless advocacy in pursuit of individual dignity, freedom, and peace. The Pope has not confined his efforts solely to the struggle against totalitarianism. He has engaged wherever people are downtrodden and oppressed.

Mr. Speaker, the Congress should pass House Concurrent Resolution 313 and urge the President to present the Medal of Freedom, our Nation's highest civilian award, to His Holiness.